

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

August 30, 2004

- C042868 THE PEOPLE v. VUE (Not for Publication)**
The judgment against defendant is modified... As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract to the Department of Corrections.
DAVIS, Acting P.J.
We concur: Raye, J.
Morrison, J.
- C042890 THE PEOPLE v. TAPIA (Not for Publication)**
The order is affirmed.
RAYE, Acting P.J.
We concur: Hull, J.
Robie, J.
- C044111 THE PEOPLE v. THOMAS (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Nicholson, J.
Hull, J.
- C038860 ERICKSON v. CENTRAL VALLEY TOWING, INC., et al.
C038988 (Not for Publication)**
Erickson's appeal from the judgment entered April 18, 2001, is dismissed. The judgment entered August 3, 2001, is reversed, and the case is remanded to the trial court for further proceedings limited to determining the amount of postoffer costs to which defendants are entitled under Code of Civil Procedure section 998. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a).)
ROBIE, J.
We concur: Scotland, P.J.
Hull, J.
- C042733 WHITECHAT v. DeMARTINI, JR., Individually and as Trustee, etc. (Not for Publication)**
The judgment is affirmed. Whitechat is to pay DeMartini's costs of this appeal. (Cal. Rules of Court, rule 27(a).)
MORRISON, J.
We concur: Sims, Acting P.J.
Hull, J.

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The Minutes

August 30, 2004, continued

- C043764 PROUTY et al. v. GORES TECHNOLOGY GROUP et al. (Certified for Publication)**
The judgment is reversed, and the matter is remanded to the trial court for further proceedings consistent with this opinion. Costs on appeal are awarded to plaintiffs. (Cal. Rules of Court, rule 27(a).) (*CERTIFIED FOR PUBLICATION.*)
NICHOLSON, J.
We concur: Davis, Acting P.J.
 Raye, J.
- C044773 FRANCIS v. FRANCIS et al. (Not for Publication)**
The judgment is affirmed. Defendants shall recover their costs on appeal. (Cal. Rules of Court, rule 27(a).)
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Davis, J.
- C044910 LAIDLAW TRANSIT SERVICES, INC. v. A.R. LINTERN, INC. (Not for Publication)**
The judgments are affirmed. Lintern shall recover its costs on appeal. (Cal. Rules of Court, rule 27(a).)
ROBIE, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C046060 In re JAMES A.; BUTTE COUNTY CHILDREN'S SERVICES DIVISION v. EVA R. (Not for Publication)**
The order terminating appellant's parental rights is affirmed.
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Robie, J.

August 31, 2004

- C045554 THE PEOPLE v. LEE (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment, corrected as stated above, and to forward a certified copy to the Department of Corrections.
SIMS, J.
We concur: Scotland, P.J.
 Butz, J.

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August 31, 2004, continued

- C045671 THE PEOPLE v. HALEY (Not for Publication)**
The judgment is reversed and the cause remanded to the trial court for further proceedings consistent with this decision. Upon motion by defendant within 30 days of the date the remittitur is filed in the superior court, the court shall vacate defendant's no contest plea.
ROBIE, J.
We concur: Raye, Acting P.J.
Butz, J.
- C043248 SMITH v. DEL WEBB CORPORATION et al. (Not for Publication)**
The judgment is reversed. Smith shall recover costs on appeal. (Cal. Rules of Court, rule 27 (a)(1).)
MORRISON, J.
We concur: Nicholson, Acting P.J.
Raye, J.
- C045248 HERRERA v. CHAMBERS (Not for Publication)**
The judgment is affirmed. Chambers shall recover his costs on appeal. (Cal. Rules of Court, rule 27(a).)
Robie, J.
We concur: Davis, Acting P.J.
Nicholson, J.
- C045656 MT. OSO FRUIT CO., INC. v. AMERICAN AGRISURANCE, INC. et al. (Not for Publication)**
The judgment is affirmed. Defendants shall recover their costs on appeal. (Cal. Rules of Court, rule 27(a).)
ROBIE, J.
We concur: Sims, Acting P.J.
Morrison, J.

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We concur: Scotland, P.J.
Sims, J.

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The Minutes

September 1, 2004, continued

- C044529 THE PEOPLE v. LeFAVOUR (Not for Publication)**
The judgment is reversed and the matter is remanded to the trial court to allow defendant to withdraw his no contest plea. If defendant so moves, the trial court must grant his motion. If defendant does not move to withdraw his plea within 60 days of the filing of the remittitur in the trial court, the trial court shall reinstate the judgment.
 DAVIS, Acting P.J.
We concur: Hull, J.
 Robie, J.
- C045302 THE PEOPLE v. HERNANDEZ (Not for Publication)**
The judgment is affirmed.
 RAYE, Acting P.J.
We concur: Robie, J.
 Butz, J.
- C045468 THE PEOPLE v. PENNINGTON (Not for Publication)**
The judgment is affirmed. The trial court is directed to correct the amended abstract of judgment as stated in the opinion and to forward a certified copy of said abstract to the Department of Corrections.
 RAYE, J.
We concur: Sims, Acting P.J.
 Butz, J.
- C043358 CAPERS et al. v. NUNN, as Chief, etc. and SHEET METAL WORKERS'**
C043360 INTERNATIONAL ASSOCIATION LOCAL UNION NO. 104 et al.
AIR CONDITIONING TRADES ASSOCIATION UNILATERAL
APPRENTICESHIP PROGRAM v. CALIFORNIA APPRENTICESHIP COUNCIL
and SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION LOCAL
UNION NO. 104 et al. (Not for Publication)
The judgments are affirmed. Each party shall pay its own costs on appeal.
 DAVIS, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C045893 In re DILLON S.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND**
HUMAN SERVICES v. KIMBERLY G. (Not for Publication)
The order of the juvenile court is affirmed.
 SIMS, J.
We concur: Scotland, P.J.
 Butz, J.

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We concur: Robie, J.
Butz, J.

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The Minutes

September 2, 2004, continued

- C043091 THE PEOPLE v. WEBB (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Scotland, P.J.
Butz, J.
- C043632 THE PEOPLE v. HORTON (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Scotland, P.J.
Butz, J.
- C045488 THE PEOPLE v. MASON (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Scotland, P.J.
Butz, J.
- C045858 THE PEOPLE v. KNIGHT (Not for Publication)**
The judgment is reversed and the cause remanded to the trial court.
Upon motion by defendant within 30 days of the date the remittitur is filed in the
superior court, the court shall vacate defendant's no contest plea. The court is
then directed to suppress the evidence uncovered as a result of defendant's
arrest.
ROBIE, J.
We concur: Raye, Acting P.J.
Butz, J.
- C046361 THE PEOPLE v. SPECK (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Scotland, P.J.
Hull, J.

September 3, 2004

- C042479 THE PEOPLE v. RUIZ (Not for Publication)**
The judgment is reversed and the matter is remanded for a new trial.
MORRISON, J.
We concur: Blease, Acting P.J.
Raye, J.

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September 3, 2004, continued

- C043823 THE PEOPLE v. GONZALES (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Scotland, P.J.
Hull, J.
- C045266 THE PEOPLE v. TARVER (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Raye, J.
Hull, J.
- C044329 CALIFORNIA DEPARTMENT OF CORRECTIONS v. STATE PERSONNEL
BOARD and HENNING (Certified for Partial Publication)**
The judgment is affirmed. The parties shall Bear their own costs on
appeal. (Cal. Rules of Court, rule 27 (a)(4).)
SIMS, J.
We concur: Scotland, P.J.
Blease, J.